

Subject: KEY POSITION DESCRIPTION (KPD) (Also see POM Section on CAREER EXECUTIVE ASSIGNMENT AND/OR EXEMPT APPOINTMENT)

| REFERENCES  | SECTIONS  |
|---|---|
| Classification and Pay (C & P) Guide  | 400, 405, 410, 430, 450   |
| Law & Regulation<br><a href="http://www.dpa.ca.gov/statesys/dpa/laws.htm">http://www.dpa.ca.gov/statesys/dpa/laws.htm</a>                 | GC: 18547   |
| Responsible Control Agency and Program  | State Personnel Board<br>Department of Personnel Administration |
| SPB/DPA Policy Memos<br><a href="http://www.dpa.ca.gov/statesys/dpa/src/hfpml.shtm">http://www.dpa.ca.gov/statesys/dpa/src/hfpml.shtm</a> | PML 2001-070, 96-001, 95-053, 93-15                             |

## Key Position Description (KPD)

---

|                     |   |
|---------------------|---|
| <b>Definition</b>   | <p>A KPD is the document that details allocation factors required by the State Personnel Board (SPB) to establish a new Career Executive Assignment (CEA) position or request a revision to an existing CEA position.</p> <p>Government Code section 18547 states that CEA means “an appointment to a high administrative and policy-influencing position within the state civil service in which the incumbent’s primary responsibility is the managing of a function or the rendering of management advice to top level administrative authority. Such a position can be established only in the top managerial levels of state service and is typified by broad responsibility for policy implementation and extensive participation in policy evolution...”</p> <p>For complete details on establishing a CEA position, please refer to the section in this manual regarding CEA assignments.</p> |
| <b>Policy</b>       | <p>It is the policy of DGS that each KPD be completed in a concise and factual manner. The KPD shall clearly identify the unique skills and professional requirements associated with the position.</p>   |
| <b>Need for KPD</b> | <p>To establish a new CEA position or request a revision to an existing CEA position, a KPD, essential functions duty statement and complete departmental organization chart(s) showing all existing CEAs are sent to the State Personnel Board (SPB) attached to a memorandum requesting that the position be established or revised. The memorandum should provide background information regarding why the position is being requested, the current classification performing the function(s), and what has changed to support the CEA request.</p>  |
| <b>Process</b>      | <ol style="list-style-type: none"><li>1. Complete in detail the information required for each heading on the KPD, as explained below and include an essential functions duty statement. Be concise and factual.</li><li>2. Submit CEA package to SPB and DPA. For complete procedural details, please refer to the section in this manual on Career Executive Assignments.</li></ol>  |

---

*Continued on next page*

## **Key Position Description (KPD), Continued**

---

|                   |   |
|-------------------|---|
| <b>Components</b> | <p>A KPD contains the following components:</p> <ul style="list-style-type: none"><li>• nature of responsibilities</li><li>• role in setting of major departmentwide policy</li><li>• program sensitivity and managerial influence<ul style="list-style-type: none"><li>➤ degree of program sensitivity</li><li>➤ scope of program impact</li><li>➤ independence of action</li><li>➤ personal impact of the incumbent</li></ul></li><li>• contacts</li><li>• staff size and mix, program variety and budget<ul style="list-style-type: none"><li>➤ staff size (number of staff)</li><li>➤ staff mix</li><li>➤ program variety</li><li>➤ operating budget</li><li>➤ program budget</li></ul></li><li>• departmental data<ul style="list-style-type: none"><li>➤ organizational level</li><li>➤ size of department</li></ul></li><li>• selection data-required knowledge, skills, abilities and personal characteristics<ul style="list-style-type: none"><li>➤ required knowledge, skills and abilities</li><li>➤ desirable qualifications</li><li>➤ special personal characteristics</li><li>➤ recruitment base</li></ul></li></ul> |
|-------------------|---|

---

|                                   |  |
|-----------------------------------|--|
| <b>Nature of responsibilities</b> | <p>This is to be a brief summary of the position's program responsibilities. It should describe the program, how the program relates to the department's primary mission, and whether the position's responsibilities are statewide or regional in nature.</p> |
|-----------------------------------|--|

---

*Continued on next page*

## Key Position Description (KPD), Continued

---

### **Role in setting of major department-wide policy**

In describing the policy role of a position, provide as much detailed information as possible:

- A description of the program area in which an individual will have a policy-influencing or program management role;
  - Specific examples of policy issues;
  - Basis for the policy role;
  - The extent to which the policy-influencing role affects programs which are critical to the department's mission and the extent to which the role has an impact beyond internal departmental programs;
  - The sensitivity, criticality, and complexity of the policy issues, including the degree of public, media and legislative interest and concern;
  - The extent to which the basis of the policy role is based on a traditional organizational management role or a specialized/sensitive/policy program management role; and
  - Whether it is a new role/function or expansion of an existing non-CEA responsibility.
- 

### **Program sensitivity and managerial influence**

#### **Degree of Program Sensitivity:**

This factor pertains to the public and legislative interest in, and news media coverage of, the position's area of responsibility.

#### **Scope of Program Impact:**

This factor pertains to the geographic area or population groups directly affected by decisions which are made by the position's incumbent. The scope of program impact might vary from direct effect on a majority of the State's population, to direct effect on specialized social groups, economic groups or geographic areas, or to direct effect on State government or intradepartmental operations.

#### **Independence of Action:**

Describe the extent of involvement of higher level management in the operation of the position's program.

---

*Continued on next page*

## Key Position Description (KPD), Continued

---

**Program sensitivity and managerial influence**  
(continued)

**Personal Impact of Incumbent:**

This factor is intended to recognize the fact that job content is occasionally directly related to the knowledge, skills, abilities, and personal characteristics of a position's incumbent. Carefully describe the specific knowledge skills, abilities, and personal characteristics which the incumbent brings to the position and explain how these factors have changed the job content of the position. When there is no incumbent, this section should not be completed and the words "Not Applicable" entered under the section heading.

---

**Contact**

- Describe the type and frequency of contacts, as well as the specific persons, groups, or organizations contacted. The type of contacts might vary from representing the department's position on key, controversial policies or programs to representation of well-accepted policies and programs. The person, groups, and organizations contacted might vary from the Governor's Office, the Legislature, Agency Secretaries, major public interest groups and other state, local, or federal government jurisdictions to other State departments or organizational units within the DGS.
  - If the incumbent will report through one or more CEA positions to the department/agency head, distinguish between the policy roles of the respective CEAs.
- 

**Staff size, program variety and budget**

**Staff Size:**

State the number of full-time equivalent employees working in programs which are under the control of the position.

**Staff Mix:**

Specify the distinctly different occupational groups which are used in programs under the control of the position.

**Program Variety:**

Describe the distinctly different activities that are used to carry out program goals.

**Budget:**

This is the amount of funds under the direct control of the position which are available to carry out program goals.

---

*Continued on next page*  
**71.4**

## Key Position Description (KPD), Continued

---

|                          |   |
|--------------------------|---|
| <b>Departmental data</b> | <p><b>Organizational Level:</b><br/>State the organizational level of the position. Consider the Director and Chief Deputy Director to be the first organizational level.</p> <p><b>Size of Department:</b><br/>State the total number of employees in the department. If there are significant numbers of seasonal, part-time, or intermittent employees in the department, then this should be clearly noted.</p>   |
| <b>Selection data</b>    | <p><b>Knowledge, Skills, and Abilities (KSA):</b><br/>The required knowledge, skills, and abilities may be obtained from a variety of sources, such as, the generic CEA knowledge, skills, and abilities statement from the State Personnel Board (SPB) Selection Manual (copy attached), key position descriptions from other departments with a similar position, classification specifications with similar duties and KSAs, etc.</p> <p><b>Desirable Qualifications:</b><br/>In this section identify specific qualifications for the position. These desirable qualifications will be used as a “screening” tool and rating criteria for the position. See attached sample KPD.</p> <p><b>Recruitment Base:</b><br/>Estimate the number of employees with permanent civil service status who possess these qualifications and where they are currently employed. Explain how these estimates were made. Indicate how position is to be filled.</p> |
| <b>Attachment</b>        | Sample KPD, Civil Service Status Requirement and Generic Minimum Qualifications   |

---

**CAREER EXECUTIVE ASSIGNMENT  
LEVEL 5  
KEY POSITION DESCRIPTION**

**1. Nature of Responsibility**

The Office of Legal Services provides contract related legal advice to state agencies, as well as general advice to the offices within the Department of General Services. The goal is to help agencies manage their exposure to potential litigation risk arising from contractual obligations.

The CEA is responsible for providing legal interpretations and analysis of policies developed by departmental executives. Thus, although the Office of Legal Services does not often make policy, or policy decisions, its work product directly impacts the shaping of policy. Examples: Procurement Reform Guidelines substantially changed the practice of contracting and procurement. The role of the Office of Legal Services was to ensure that these limitations and requirements were consistent with existing law.

The position of the CEA, Office of Legal Services, has management responsibility in carrying out the following statewide programs to all state agencies.

- Contractual Services – review and approve service and interagency contracts between all state agencies to ensure legal sufficiency and sound contracting practices.
- Personnel Services – acts in the capacity as house-counsel to the Office of Human Resources in the preparation of all adverse actions and other related personnel cases for the Offices within the Department of General Services. Represents the Department in hearings with the State Personnel Board, Department of Personnel Administration and the Unemployment Insurance Appeals Board.
- Contract Bid Protests – receives and determines the eligibility of contract bid protests, arrange for hearing officer, schedule and conduct hearings.
- Litigation – Represents the Director in connection with matters before other State boards and agencies; acts as liaison with the Attorney General, representing the Department in litigation; appears on behalf of the Department before Boards and other agencies in the State, and with private organizations and persons; consults with the Attorney General on legal and policy aspects of complex legal problems concerning the Department and the State; counsels local officials, interested persons and organizations on Departmental policy.

- Contract Exemptions – receives and makes determinations regarding the necessity for exemptions to the review and approval process for state agencies.
- State Public Works Board, State Allocation Board and Office of Public School Construction – Acts as house-counsel to the State Public Works Board and the Public School Construction with regard to bond projects.
- Provides legal advice to the various boards and commissions associated with the Department of General Services, including the State Building Standards Commission and the State Historical Building Code Board.

## **2. Role in the Setting of Major Department-wide Policy**

This position drafts policy for the Executive Office impacting all state agencies in the areas of procuring services through contracting and other contracting issues. As the Department's legal advisor and principal expert on legal matters, the CEA has authority to accept, reject, or modify contracts and other legal documents on behalf of the Department.

Additionally, the Office of Legal Services has editorial authority with regard to the State Contracting Manual.

## **3. Program Sensitivity and Managerial Influence**

### **a. Degree of Program Sensitivity**

This position will be responsible for drafting legislation, providing assistance in the presentation, and appearing before the legislature and other committees as necessary. Additionally, this position receives, reviews and responds to all high-profile public records requests from the news media and the general public.

### **b. Scope of Program Impact**

The largest impact to state agencies under the various programs in the Office of Legal Services is in the area of contracting. Under Public Contract Code Sections 10295-10299 the review and approval of service and interagency contracts is under the control of the Office of Legal Services.

### **c. Independence of Action**

The CEA is required to exercise independent judgment in resolving complex administrative policy problems of a legal nature with statewide impact.



#### **4.     **Contacts****

The CEA has frequent contact with executive level staff and appointees from all state agencies on all Office of Legal Services programs. Additionally, the CEA is in contact periodically with department directors and deputy directors, Secretary, State and Consumer Services Agency and other agency secretaries, the Governor's Office, and the Attorney General on legal matters related to contracting as well as other general government issues. The CEA communicates and participates in negotiations with private attorneys as well as state lawyers.

#### **5.     **Staff Size and Mix, Program Variety, and Budget****

##### **a.     Staff Size**

The Office of Legal Services has 28 employees working in the various programs including contract review, procurement reform, bid protests, personnel actions, litigation and exemptions in addition to general legal advice.

##### **b.     Staff Mix**

The staff mix in the Office of Legal Services consists of Assistant Chief Counsels, Staff Counsel III (Specialists), Staff Counsels, Analysts, and clerical staff.

##### **c.     Program Variety**

Contracting  
Personnel/Adverse Actions  
Contract Bid Protests  
Litigation  
Contract Exemptions  
Procurement Reform

##### **d.     Budget**

Program Budget     \$3.1 Million

#### **7.     **Departmental Data****

##### **a.     Organizational Level of Position**

The CEA, Office of Legal Services, is at the second organization level in the Department.

b. Size of Department

Approximately 4,000 employees in the Department of General Services.

**8. Selection Data**

**Required Knowledge, Skills, Abilities**

**Required Knowledge**

Knowledge of the organization and functions of the California State government including the organization and practices of the Legislature and the Executive Branch; principles, practices, and trends of public administration, organization, and management; techniques of organizing and motivating groups; program development and evaluation; methods of administrative problem solving; principles and practices of policy formulation and development; personnel management techniques; the manager's role in labor relations; the manager's responsibility for promoting equal opportunity in hiring and employee development and promotion and for maintaining a work environment which is free of discrimination and harassment; legal principles and their application and legal procedures and terminology, with particular reference to matters involving fiscal practices, contracts, tort liability, purchase and transfer of real property, and condemnation proceedings in the State of California; law of contracts, procedures involved in the purchase and transfer of real property; financial and accounting laws of the State of California; constitutional and administrative law; and court procedures and rules of evidence.

**Required Abilities**

Candidates must be a current member in good standing of the California State Bar with the ability to plan, organize and direct the work of multidisciplinary professional and administrative staff; analyze administrative policies, organization, procedures and practices; integrate the activities of a diverse program to attain common goals; gain the confidence and support of top level administrators and advise them on a wide range of administrative matters; develop cooperative working relationships with representatives of all levels of government, the public, and the Legislative and Executive Branches; analyze complex problems and recommend effective courses of action; prepare and review reports; and effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment; analyze problems and apply legal principles and precedents to a particular set of facts; present statements of fact, law, and arguments clearly and logically in written and oral form; draft rules and regulations and proposed legislative measures; and perform legal research.

**Desirable Qualifications**

- Possess at least 5 years of legal experience, preferably in contract law.
- Experience in reviewing and assisting in the preparation of state contracts.

- Experience in reviewing information technology contracts.
- Experience using legal research tools such as Westlaw.
- Experience in administering contract policies and procedures.
- Experience analyzing, appraising and recommending alternative contract methodology pursuant to State contract policies and procedures.
- Experience communicating at all levels within a diverse community such as legal and/or policy and procedure presentations before the Governor, Legislature or other impacted entities.

### **Recruitment Base**

Statewide.

**Civil Service Status Requirement and Generic Minimum Qualifications** (Reference SPB Selection Manual Section 5650.8 (7)):

Applicants must have permanent California State civil service status (except that Legislative employees who meet the criteria in Government Code Section 18990 or Executive Branch exempt employees who meet the criteria in Government Code Section 18992 may also compete in CEA examinations), and satisfy the generic minimum qualifications, i.e., **ability to perform high administrative and policy-influencing functions effectively**. Such overall ability requires possession of most of the following more specific knowledge and abilities:

Knowledge of the organization and functions of California State government including:

- the organization and practices of the Legislature and the Executive Branch
- principles, practices, and trends of public administration, organization, and management
- techniques of organizing and motivating groups
- program development and evaluation
- principles and practices of policy formulation and development
- personnel management techniques
- the department's Equal Employment Opportunity objectives
- a manager's role in the Equal Employment Opportunity Program

Ability to

- plan, organize, and direct the work of multidisciplinary professional and administrative staff
- analyze administrative policies, organization, procedures and practices
- integrate the activities of a diverse program to attain common goals
- gain confidence and support of top level administrators and advise them on a wide range of administrative matters
- develop cooperative working relationships with representatives of all levels of government, the public, and the Legislative and Executive Branches
- analyze complex problems and recommend effective course of action
- prepare and review reports
- effectively contribute to the department's equal employment opportunity objectives

These knowledge and abilities are expected to be obtained from the following kinds of **experience** (experience may have been paid or volunteer; in State service, other government settings, or in a private organization):

CEA Level 1. Supervisory/administrative experience in a line or staff activity, including the execution and/or evaluation of program policies.

CEA Level 2 and 3. Broad administrative or program manager experience with substantial participation in the formulation, operation, and/or evaluation of program policies.

CEA Level 4 and 5. Extensive managerial and program administrative experience which has included substantial responsibility for a combination of management functions such as program planning, policy formulation, organization coordination and control, and fiscal and personnel management

**Description of Desirable Qualifications (DQ):**

The purpose of DQs are to provide the department with a means of evaluating competitors, as well as providing competitors with a means of determining his/her own relative competitiveness. They also serve as a guide for competitors to provide appropriate information on applications.

Note: DQs which are too broad could result in a large candidate group, the majority of whom do not meet the department's real needs. Therefore, great care should be given in developing DQs of a realistic and job-related nature, and specifying the specific screening criteria to be used in final selection.